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ATTORNEY DOCKET No.: 2003946-0148 (PITA/US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

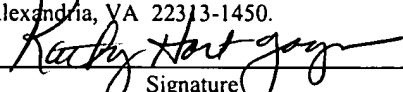
Applicant: Agoulnik *et al.* Examiner: NYA  
Serial No: 10/501,120 Group Art Unit: 1625  
Filing Date: July 8, 2004  
Corresp. to: PCT/US03/00390  
Int. Filing Date: January 8, 2003  
Earliest Priority: January 8, 2002  
Title: EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 10, 2005  
Date

  
Signature  
Kathy Hart Gagnon

Sir:

February 10, 2005

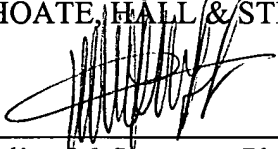
**TRANSMITTAL**

Enclosed for filing in the above-referenced patent application, please find the following documents:

- 1) Establishing Right of Assignee to Take Action (2 pages) with copy of Assignment, the original of which has been forwarded for recordation (6 pages);
- 2) Appointment of Attorney (1 page);
- 3) Return postcard.

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

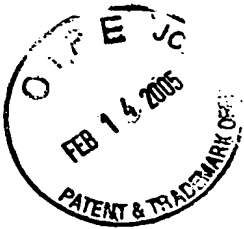
Respectfully Submitted,  
CHOATE, HALL & STEWART LLP



Nadège M. Lagneau, Ph.D.  
Agent for Applicant  
Reg. No. 51,908

Date: February 9, 2005

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Applicant: Agoulnik *et al.* Examiner: NYA  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned hereby appoints:

The attorneys/agents associated with **Customer No. 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department  
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street,  
Boston, MA 02109

Respectfully submitted,

Signature: Hiroshi Yoshino

Name: Hiroshi Yoshino

Title: Director of Intellectual Property  
Department

On behalf of: Eisai Co., Ltd.

Date: January 11, 2005



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR § 3.73(b))**

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
AGOULNIK, Sergei	EISAI CO., LTD.
AKASAKA, Kozo	EISAI CO., LTD.
FANG, Francis	EISAI CO., LTD.
HARMANGE, Jean-Christophe	EISAI CO., LTD.
HAWKINS, Lynn	EISAI CO., LTD.
JIANG, Yimin	EISAI CO., LTD.
JOHANNES, Charles	EISAI CO., LTD.
LI, Xiang-Yi	EISAI CO., LTD.
McGUINNESS, Pamela	EISAI CO., LTD.
MURPHY, Erin A.	EISAI CO., LTD.
SCHILLER, Shawn	EISAI CO., LTD.
VERMEULEN, Mary	EISAI CO., LTD.
WU, Jiayi	EISAI CO., LTD.

Thus, the Assignee of the inventors' entire right, title, and interest is:

**EISAI CO., LTD.**

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

\_\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

#### **STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u>Hiroshi Yoshino</u> Name: <u>Hiroshi Yoshino</u> Title: <u>Director of Intellectual Property Department</u>	EISAI CO., LTD., 6-10, Koishikawa 4-Chome, Bunkyo-ku, Tokyo 112-8088, Japan	<u>Jan. 11, 2005</u>

PATENT GROUP  
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## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned **Sergei AGOULNIK, Kozo AKASAKA, Frank FANG, Jean-Christophe HARMANGE, Lynn HAWKINS, Yimin JIANG, Charles JOHANNES, Xiang-Yi LI, Pamela McGUINNESS, Erin A. MURPHY, Shawn SCHILLER, Mary VERMEULEN, and Jiayi WU**, whose addresses are set forth below; hereby

Sells, assigns and transfers to **Eisai Co., Ltd.** having a place of business at **6-10, Koishikawa 4-chome, Bunkyo-ku, Tokyo, 112-8088, Japan**, its successors, assigns and legal representatives, all hereinafter referred to as the **ASSIGNEE**, his/her entire right, title and interest for the **United States and all foreign countries**; in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled **"EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES THEREOF"** as follows:

- 1) **U.S.S.N. 10/501,120 filed 8 July 2004; and**
- 2) **PCT/US03/00390 filed 8 January 2003 in the RO/US**

in and to said application and all divisional, continuing, substitute, renewal, reissue reexamination or other application for Letters Patent which has been or shall be filed in the United States or any foreign country on any of said inventions, and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agrees that said **ASSIGNEE** may apply for and receive Letters Patent for said inventions in its own name and when requested, without charge to but at the expense of said **ASSIGNEE**, agrees to carry out in good faith the intent and purpose of this Assignment by executing all divisional, continuing, substitute, renewal, reissue, reexamination and all other patent applications on any and all said inventions; by executing all rightful oaths, assignments, powers of attorney and other papers; by communicating to said **ASSIGNEE** all facts known to him/her relating to said inventions and the history thereof, and generally by doing everything possible which said **ASSIGNEE** shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said **ASSIGNEE**.

Hereby requests the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said **ASSIGNEE**.

Covenants with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by him/her, and that full right to convey the same as herein expressed is possessed by him/her.

Signature\_\_\_\_\_ Date\_\_\_\_\_  
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Signature K. Akasaka Date Sept 01 / 2004  
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Signature\_\_\_\_\_ Date\_\_\_\_\_  
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Signature Charles Johannes Date 8/2/04  
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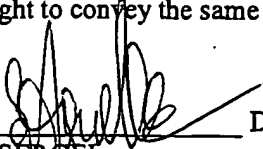
Signature \_\_\_\_\_ Date \_\_\_\_\_  
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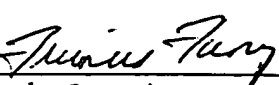
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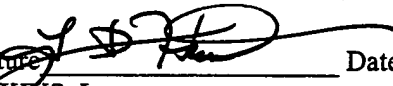
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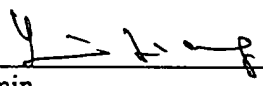
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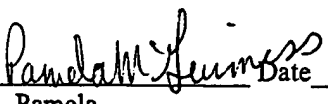
Signature \_\_\_\_\_ Date \_\_\_\_\_  
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Signature Mary Vermeulen Date 9/1/04  
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